

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

DVA RENAL HEALTH INC., et al.)
)
v.) NO. 3:05-1048
) JUDGE CAMPBELL
GORDON GROUP INVESTMENT)
LIMITED PARTNERSHIP, et al.)

ORDER

Pending before the Court are Defendants' Motion for Summary Judgment (Docket No. 79) and Plaintiffs' Motion for Summary Judgment (Docket No. 81). For the reasons stated in the accompanying Memorandum, Defendants' Motion for Summary Judgment is GRANTED in part and DENIED in part, and Plaintiffs' Motion for Summary Judgment is GRANTED in part and DENIED in part.

Judgment is entered for Plaintiffs on the issue of denial of benefits, and Plaintiffs are entitled to receive full payment of COBRA benefits for Plaintiff Bonner for the entire COBRA period.

Judgment is entered for Defendants on the issues of breach of fiduciary duties and statutory penalties, and those claims are DISMISSED.

The bench trial set for October 9, 2007, and the pretrial conference set for October 1, 2007, are canceled. This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE